

ORIGINAL

BEFORE THE
Federal Communications Commission
WASHINGTON, D.C.

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Federal Communications Commission
Office of Secretary

In the Matter of)
)
Amendment of Section 73.606(b),)
Table of Allotments,)
Television Broadcast Stations)
(Hollidaysburg, Pennsylvania))

MM Docket No. _____
RM- _____

DOCKET FILE COPY ORIGINAL

To: The Chief, Allocations Branch

PETITION FOR RULE MAKING

Sinclair Communications of Hollidaysburg, Inc. ("Petitioner"), by its attorneys and pursuant to Sections 1.401 and 73.3572 of the Commission's rules, hereby petitions the Commission to issue a Notice of Proposed Rule Making to amend Section 73.606(b), Table of Allotments, Television Broadcast Stations, to add Channel 63 to the Hollidaysburg, Pennsylvania television market. As discussed below, the allotment of Channel 63 to Hollidaysburg would further the Commission's goal of providing the community with its first full-service television allocation. Petitioner is simultaneously filing a petition for waiver of the temporary TV freeze. Petitioner is also simultaneously filing an FCC Form 301 application specifying Channel 63 at Hollidaysburg and requesting a waiver of the contingent application rule. That application signifies Petitioner's intent to promptly build the station if its application is granted.

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BACKGROUND

1. Section 307(b) of the Communications Act, as amended, requires that channel the Commission distribute frequencies among the several states and communities so as “to provide a fair, efficient and equitable distribution. Hollidaysburg, Pennsylvania easily qualifies as a community for allotment purposes.

2. Hollidaysburg, Pennsylvania is an incorporated community of 5,892 residents, and is the county seat of Blair County, which as a total population of 130,542 according to the 1990 U.S. Census. Hollidaysburg has its own post office. Hollidaysburg’s government is composed of an elected council manager and three elected county commissioners. Income is derived from property and sales taxes. The city has its own police department and a volunteer fire department as well as its own water and sewer facilities. There are three schools - elementary, junior high and high school. In addition, Hollidaysburg has retail establishments, financial institutions, three nursing homes and several churches.

DISCUSSION

3. The Commission has long held that the provision of at least one television broadcast station to a community is paramount with regard to its television allotment priorities. Amendment of the Commission’s Rules, Regulations and Engineering Standards Concerning the Television Broadcast Service, Sixth Report and Order, 41 FCC 148, 167 (1952). Hollidaysburg has no local commercial television station despite the

fact that it clearly qualifies as a community for allotment purposes, as detailed above.

The allotment of Channel 63 to Hollidaysburg would further the Commission's decades-old television allotment goal of providing a full-service television broadcast station to the community.

4. In addition to furthering the Commission's television allotment priorities, the allotment of Channel 63 to Hollidaysburg is consistent with the Commission's rules regarding minimum spacing requirements. As detailed in the attached Engineering Statement, the allotment of Channel 63 to Hollidaysburg would not violate the minimum spacing requirements.

5. Petitioner is requesting a waiver of the Commission's "temporary" freeze of television allotments in some areas of the nation. See Advanced Television Systems (Freeze of TV Table of Allotments), 76 RR 2d 843 (1987). As demonstrated in the Petition, a compelling public interest justification exists for granting a waiver of the freeze.

6. Petitioner has demonstrated that: (1) Hollidaysburg is a community for allotment purposes; (2) the allocation of Channel 63 to Hollidaysburg would further the Commission's long-standing goal of providing a first local television service to a community; (3) the allotment of Channel 63 would not violate the Commission's minimum spacing requirements between television stations; and (4) the Commission's temporary freeze of television station allotments in select markets should be waived so as to permit the allotment of Channel 63 to Hollidaysburg. Finally, Petitioner has submitted

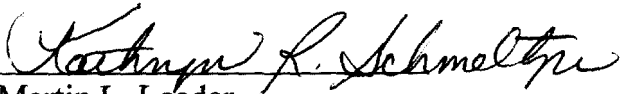
an application for Channel 63 if it is allotted to Hollidaysburg and will promptly build the station if its application is granted.

CONCLUSION

WHEREFORE, the premises considered, Sinclair Communications of Hollidaysburg, Inc. respectively requests the Commission to issue a Notice of Proposed Rule Making to amend Section 73.606(b), Table of Allotments, Television Broadcast Stations, to add Channel 63 to Hollidaysburg, Pennsylvania.

Respectfully submitted,

**SINCLAIR COMMUNICATIONS, OF
HOLLIDAYSBURG, INC.**

By: 
Martin L. Leader
Kathryn R. Schmeltzer
Gregory L. Masters

Its Attorneys

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July 24, 1996

WES, INC.
5925 CROMO DR.
EL PASO, TX 79912

915-581-0306

ENGINEERING EXHIBIT RM:

For Holidaysburg, PA
CH 63

JUNE 14, 1996

ENGINEERING STATEMENT IN SUPPORT OF A
PETITION FOR RULE MAKING
TO AMEND
THE TV TABLE OF ASSIGNMENTS

WES, INC.

DECLARATION

I, Pete E. M. Warren III, declare and state that I am a Certified Engineer, Class I, Senior, with Master Endorsement radiating and non-radiating, by The National Association of Radio and Telecommunications Engineers, Inc., and my qualifications are a matter of record with the Federal Communications Commission, and that I am an engineer in the firm of WES, Inc., and that the firm has been retained to prepare an engineering statement in support of a Petition to Amend the TV Table of Assignments.

All facts contained herein are true to my knowledge except where stated to be on information or belief, and as to those facts, I believe them to be true. All Exhibits were prepared by me or under my supervision. I declare under penalty of perjury that the foregoing is true and correct.



Pete E. M. Warren III

Executed on the 14th day of June, 1996

Narrative Statement

I. General

The purpose of this engineering statement is to support a request that the TV Table of Assignments be amended to add Ch. 63 at Holidaysburg, PA. The proposed channel has no short-spacing, as can be seen by the channel spacing study. A contingent application will be submitted.

It should be noted that the area in question is not within 320 kilometers (200 miles) of a US Border and, therefore, foreign concurrence is not required.

II. ENGINEERING DISCUSSION

A. Proposed site:

We propose a site located at the following coordinates:

Latitude: 40 34 01

Longitude: 78 26 31

The allocation can locate in a wide area..

B. Channel Allocation Study

Exhibit 1 is a Channel Allocation Study of channel 63. The study indicates the required separation in kilometers to all known Licenses, Construction Permits, Open Allocations, pending Allocations, and pending Rule Makings.

Exhibit 2 is a map of the resulting arcs indicating minimum separation and showing area to locate.

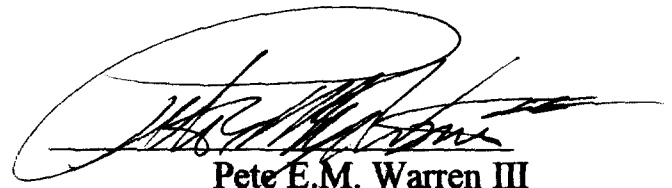
C. Public Interest Showing:

1. This would be the first allotment to Holidaysburg, PA. The petitioner believes that the requested channel addition is in the Public Interest and, therefore, should be granted by the Commission.
2. An additional station in the area would allow for carriage of a fifth network.

III. SUMMARY

Petitioner request that the TV Table of Assignments be amended as follows:

| City | Present | Proposed |
|--------------|----------------|-----------------|
| Holidaysburg | None | 630 |



Pete E.M. Warren III

June 14, 1996

***** TV CHANNEL SPACING STUDY *****

Job title: HOLIDAYSBURG, PA

Latitude: 40 34 12

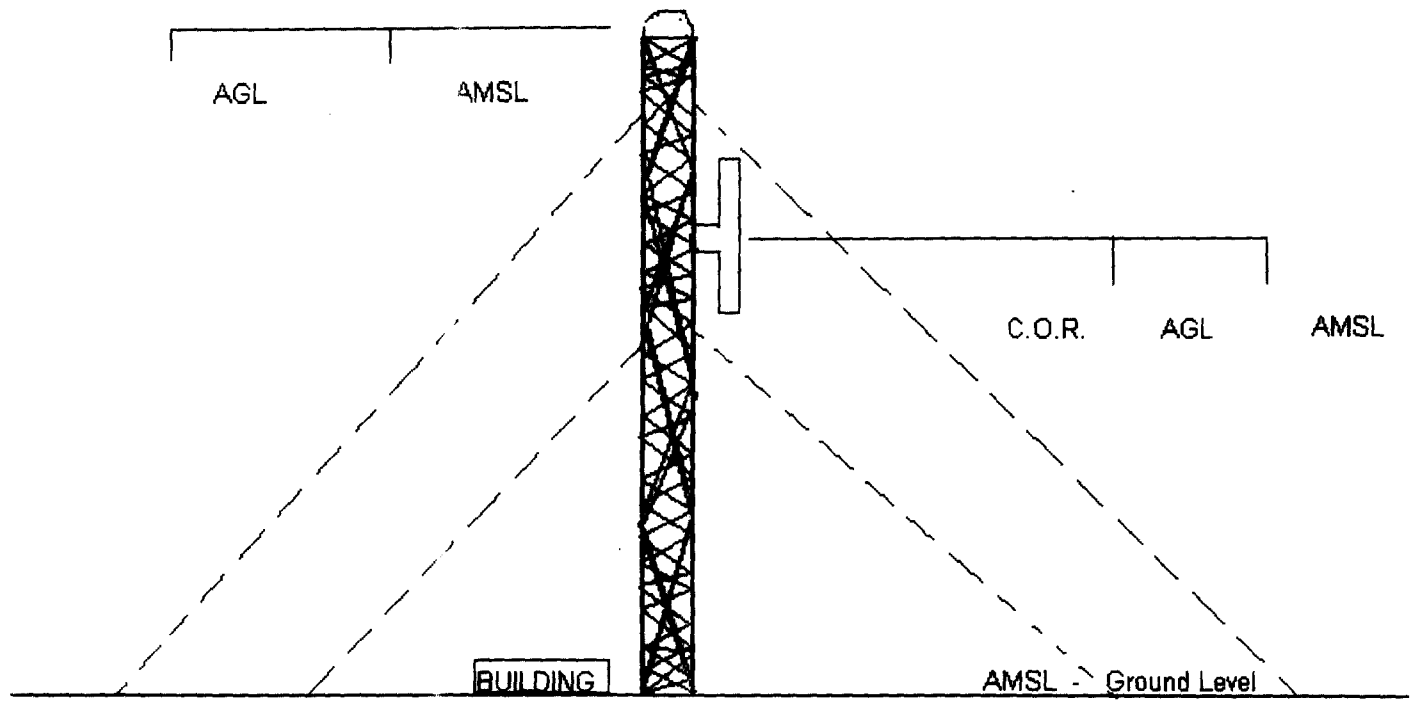
Channel: 63

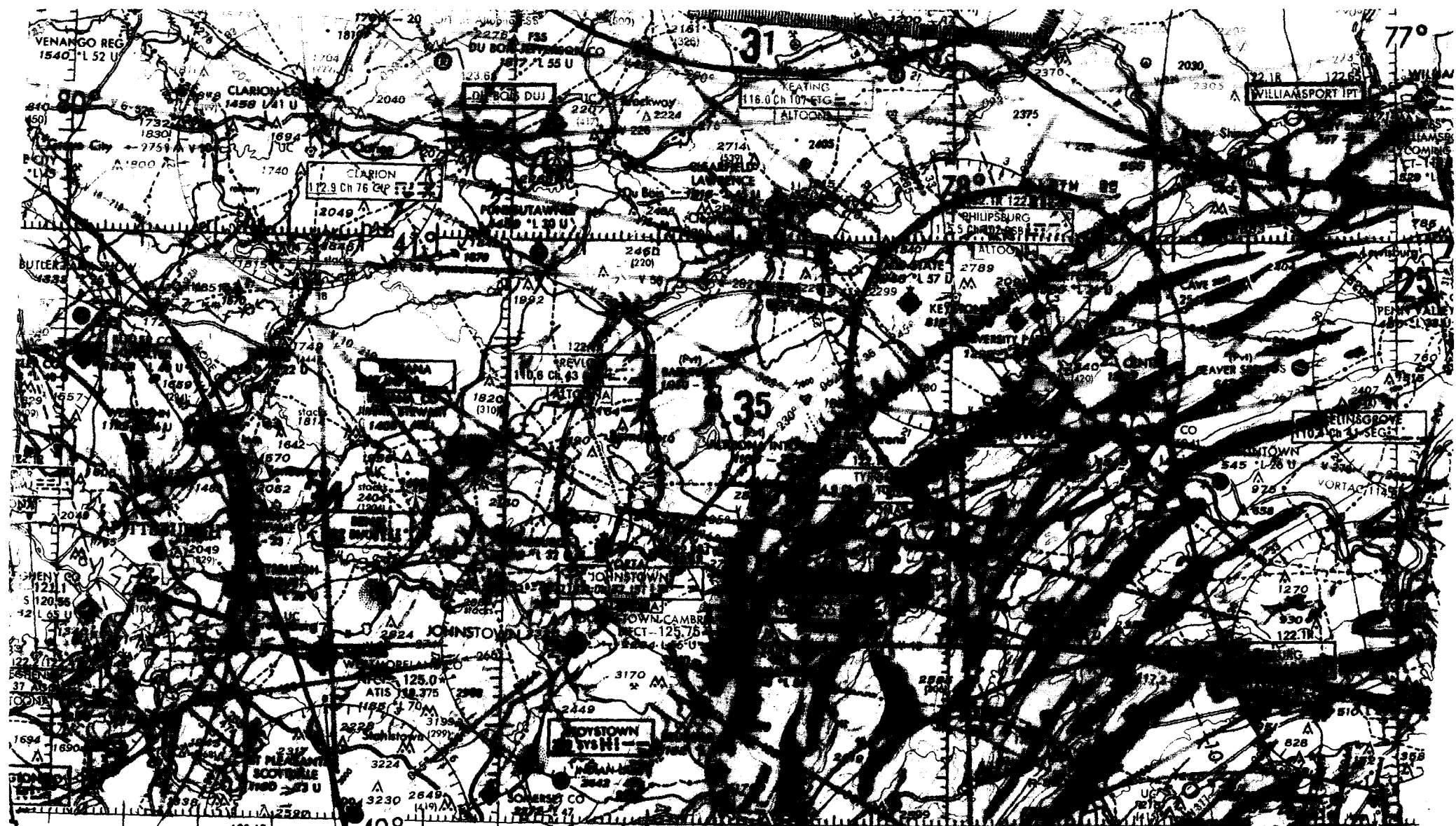
Longitude: 78 26 26

Database file name: c:\tvsrc\tv960705.edx

| CH | Call | Record No. | City | ST Z STS | Bear. | Dist. | Reqd. Dist. | Result |
|-----|--------|------------|---------------|----------|-------|-------|----------------|--------|
| 59+ | ALLOTM | 1439 | STATE COLLEGE | PA 1 | 62.8 | 55.1 | 31.4 | 23.7 |

***** End of channel 63 study *****



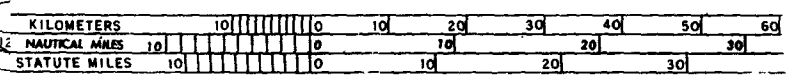


INDIAN HEAD
108.2 Ch 19 IHD:--
[ALTOONA]

SEVEN SPRINGS
2907 L 30

WPT 62
87.7 km
WCBTV 49
95.7 km


Exhibit
Holidaysburg, PA
ch 63



CERTIFICATE OF SERVICE

I, Margie Sutton Chew, a secretary in the law firm of Fisher Wayland Cooper Leader & Zaragoza L.L.P., do hereby certify that true copies of the foregoing **"PETITION FOR RULE MAKING"** was sent by hand-delivery this 24th day of July, 1996, to the following:

John A. Karousos
Federal Communications Commission
2000 M Street, N.W.
Room 554
Washington, D.C. 20554



Margie Sutton Chew